

II. REMARKS

A. General

The Applicant would like to respectfully bring to the Examiner's attention the fact that the Examiner has failed to respond to the Applicant's traverse to the restriction requirement dated October 22, 2003. As per MPEP §821.01, "the examiner should reply to the reasons or arguments advanced by applicant in the traverse".

As such, the Applicant respectfully requests that the Examiner consider the arguments presented in the Applicant's traverse, and comment on the merits of the Applicant's arguments to the effect that claims 31-52 and 64-69 should be jointly considered with claims 1 and 6-30.

B. Summary of the Amendments

Figure 7 has been amended so as to correct a minor typographical error detected by the Applicant.

Page 4 of the specification has been amended in order to correct certain minor typographical errors detected by the Applicant.

The present application now contains 49 claims.

Claims 1 and 6-30 remain the same.

Claims 31-69 remain withdrawn.

New claims 70-92 have been added to the present application. The Applicant respectfully submits that support for new claims 70-92 exists in the application as filed and that no new matter has been added to the application.

C. Summary of the Rejections and Reply

In the Office Action, the Examiner has rejected claims 1 and 6-30 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent no. 6,219,653 (hereafter to be referred to as O'Neill et al).

The Applicant respectfully disagrees with this rejection and submits that claims 1 and 6-30, as well as new claims 70-92, distinguish patentably over the cited reference as discussed below.

Claim 1

The Examiner's attention is respectfully directed towards the following limitation of independent claim 1.

A computer readable storage medium containing a program element for execution by a CPU, said program element comprising:

- a) a first program component for causing a computer to deliver first information to a user, the first information prompting the user to enter at the computer information about a rail transportation service for shipment of goods by one or more railcars;
- b) a second program component for receiving information about a basic pool of railcars, **said second program component implementing a filter for filtering the basic pool of railcars based on one or more filtering criteria to produce a filtered pool of railcars**, said second program component causing the computer to deliver second information to the user, the second information prompting the user to select at the computer one or more railcars among the filtered pool of railcars for the shipment of goods;
- c) a third program element for computing a price for the shipment of the goods at least in part on the basis of:
 - i) the rail transportation service;
 - ii) one or more characteristics of the railcars in the filtered pool of railcars selected by the user.

The Applicant respectfully submits that the reference cited by the Examiner does not disclose, teach or suggest the claimed invention. More

specifically, the Applicant respectfully submits that O'Neill et al. does not mention or suggest "a second program component implementing a filter for filtering the basic pool of railcars based on one or more filtering criteria to produce a filtered pool of railcars", as claimed in claim 1.

Rather, in the Applicant's opinion, O'Neill et al. teach away from the limitation identified above. More particularly, and in contrast to the claimed invention, the first and second paragraphs of column 18 of the O'Neill document teach that it is a user of the system 10 that identifies a list of available delivery containers supported by system 10, and it is the user of the system 10 that specifies a subset of the delivery containers that are authorized to deliver to and/or from a business location. Thus, the teachings of O'Neill et al. preclude, and thus, do not suggest in any way a "program component" that is operative for filtering a pool of railcars on the basis of filtering criteria,

If the Applicant's argument is unconvincing, and the Examiner continues to hold that O'Neill et al. anticipates the invention claimed in claim 1, the Examiner is respectfully invited to indicate where in the O'Neill et al. document each of the limitations of independent claim 1 is taught. The Applicant would be particularly interested in understanding which passage(s) of O'Neill et al. disclose the above emphasized limitations of claim 1.

In light of the foregoing, and until the Examiner has shown otherwise, the Applicant respectfully submits that independent claim 1 is novel and non-obvious over the cited prior art, and as such is in condition for allowance.

Claims 6-30

As mentioned above, the Examiner has further rejected dependent claims 6-30 under 35 U.S.C. §102(e) as being anticipated by O'Neill et al.

Firstly, the Applicant respectfully submits that claims 6-30 depend from independent claim 1, and as such, incorporate by reference all the limitations contained therein. Accordingly, claims 6-30 are also believed to be novel, non-obvious and in condition for allowance.

Secondly, the Applicant respectfully submits that the subject matter contained in claims 12, 14, 15, 16, 17, 20, 21, 22, 23 and 24 is not taught anywhere in the O'Neill et al. document. However, if the Examiner disagrees and continues to hold that these claims are anticipated by O'Neill et al., the Examiner is respectfully invited to indicate where in the O'Neill et al. reference, the subject matter of these claims is disclosed.

Claim 70

The Examiner's attention is respectfully directed towards the following limitation of new claim 70.

A computer readable storage medium containing a program element for execution by a CPU, said program element comprising:

- a) a first program component for causing a computer to deliver first information to a user, the first information prompting the user to enter at the computer information about a rail transportation service for shipment of goods by one or more railcars;
- b) a second program component for receiving information about a basic pool of railcars, **said second program component implementing a filter for filtering the basic pool of railcars, at least in part on the basis of information about the type of goods to be shipped, to produce a filtered pool of railcars**, said second program component causing the computer to deliver second information to the user, the second information prompting the user to select at the computer one or more railcars among the filtered pool of railcars for the shipment of goods;
- c) a third program element for computing a price for the shipment of the goods at least in part on the basis of:
 - i) the rail transportation service;
 - ii) one or more characteristics of the railcars in the filtered pool of railcars selected by the user.

The Applicant respectfully submits that the reference cited by the Examiner does not disclose, teach or suggest the invention claimed in claim

70. More specifically, O'Neill et al does not teach a "second program component implementing a filter for filtering the basic pool of railcars, at least in part on the basis of information about the type of goods to be shipped, to produce a filtered pool of railcars".

Accordingly, the Applicant respectfully submits that independent claim 70 is novel and non-obvious over the cited prior art, and as such is in condition for allowance.

If the Examiner feels that the subject matter contained in new claim 70 is taught by O'Neill et al., the Examiner is respectfully invited to indicate where in the O'Neill et al. reference, each of the limitations of independent claim 70 is disclosed.

Claims 71-92

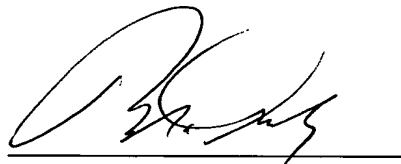
Claims 71-92 depend from independent claim 70, and as such, incorporate by reference all the limitations contained therein. Accordingly, the Applicant respectfully submits that claims 71-92 are also believed to be novel, non-obvious and in condition for allowance.

III. CONCLUSION

In view of the above, it is respectfully submitted that claims 1, 6-30 and 70-92 are in condition for allowance. Reconsideration of the rejections and objections is requested. Allowance of claims 1, 6-30 and 70-92 at an early date is solicited.

If the claims of the application are not considered to be in full condition for allowance, for any reason, the Applicant respectfully requests the constructive assistance and suggestions of the Examiner in drafting one or more acceptable claims or in making constructive suggestions so that the application can be placed in allowable condition as soon as possible and without the need for further proceedings.

Respectfully submitted,



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